

DOCKET NO. D-2002-042-4

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Aqua Pennsylvania Wastewater, Inc.
White Haven Wastewater Treatment Plant
White Haven Borough, Luzerne County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Geomap, LLC on behalf of Aqua Pennsylvania Wastewater, Inc. on January 29, 2015 (Application) for renewal of its existing wastewater treatment plant (WWTP). The Pennsylvania Department of Environmental Protection (PADEP) issued the National Pollutant Discharge Elimination System (NPDES) Permit No. PA0020435 for the project on January 3, 2011.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Luzerne County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on August 10, 2016.

A. DESCRIPTION

- Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.6 million gallon per day (mgd) White Haven WWTP (WWTP). No modifications to the WWTP are proposed.
- Location.** The WWTP is located approximately 300 feet south of Route 940 on the west bank of the Lehigh River in White Haven Borough, Luzerne County, Pennsylvania. The WWTP will continue to discharge treated wastewater effluent to the Lehigh River. The discharge is located at River Mile 183.7 – 71.9 (Delaware River – Lehigh River). The discharge is located in the drainage area of the Lower Delaware Special Protection Water Area.

The project outfall is located in the Lehigh River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41 ° 03' 34"	75 ° 46' 20"

- Area Served.** The WWTP receives wastewater flows White Haven Borough and portions of Penn Lake Park Borough and Dennison and Foster Townships in Luzerne County and portions of East

Side Borough and Kidder Township in Carbon County. The entire service area is located within the Delaware River Basin.

For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. Physical features.

a. Design criteria. The existing White Haven WWTP utilizes an activated sludge treatment system with chlorine contact disinfection, and is hydraulically designed to treat a flow up to 0.6 mgd.

b. Facilities. The White Haven WWTP facilities consist of a comminutor/macerator, a vortex grit removal system, a flow-splitting box, and three (3) parallel activated sludge package plants, each consisting of concentric steel tanks. The inner tank of each package plant functions as a clarifier and the outer ring is divided into an aeration zone, an aerated sludge digestion zone, a chlorine contact zone, and a cascade aeration zone.

Prior facilities and processes for the WWTP have been described in DRBC Dockets Nos. D-1993-035 CP-1, D-2002-042-1, D-2002-042-2, and D-2002-042-3 approved by the DRBC on August 4, 1993, November 25, 2002, September 27, 2006, and September 21, 2011, respectively.

The docket holder's WWTP discharges to waters classified as SPW and is required to have available standby power. The docket holder indicated in the Application that the existing WWTP is equipped with a generator installed capable of providing standby power.

The docket holder's WWTP is required to be staffed 24 hours per day or have a remote alarm system that continuously monitors plant operations in accordance with the Commission's SPW requirements. The docket holder indicated in the Application that the WWTP is staffed 24 hours and equipped with a remote alarm system.

The docket holder's WWTP does not discharge directly to Outstanding Basin Waters (OBW), and is not required to have a nonvisible discharge plume.

The docket holder has provided an emergency management plan (EMP) for the existing WWTP suitable to Commission standards.

The project facilities are not located in the 100 year floodplain.

Wasted sludge will continue to be hauled off-site by a licensed hauler for disposal at a state-approved facility.

c. Water Withdrawals. The potable water supply in the project service area of White Haven Borough is provided by wells owned and operated by Aqua Pennsylvania and regulated under PADEP Public Water Supply Permit (PWSID) No 2400108; in the project service area of Kidder

Township water is provided by wells owned and operated by Kidder Township and regulated under PADEP Public Water Supply Permit (PWSID) No 3130054; in the project service area of Penn Lake Park Borough water is provided by wells owned and operated by Penn Lake Park Borough and regulated under PADEP Public Water Supply Permit (PWSID) No 2400079; and in the remaining project service area, water is provided by privately owned wells. Each of the individual public water supply allocations and wells are operated at rates below the DRBC review threshold.

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0020435 was issued by the PADEP on January 3, 2011 and includes final effluent limitations for the project discharge of 0.6 mgd to surface waters classified by the PADEP as High Quality – Cold Water Fishery (HQ-CWF). The following average monthly effluent limits are among those listed in the NPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit for Outfall 001

OUTFALL 001 (Lehigh River)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES permit
Total Suspended Solids	21 mg/l	As required by NPDES permit
CBOD (5-Day at 20° C) (5-1 to 10-31) (11-1 to 4-30)	17 mg/l (85% minimum removal) 20 mg/l (85% minimum removal)	As required by NPDES permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	3 mg/l 9 mg/l	As required by NPDES permit
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200 colonies per 100 ml as a geo. avg. 2,000 colonies per 100 ml as a geo. avg.	As required by NPDES permit
Dissolved Oxygen	5.0 mg/l minimum	As required by NPDES permit

The requirements in EFFLUENT TABLE A-2 are not listed in the NPDES Permit, but are Commission basin-wide and SPW specific parameters that are required to be met as a condition of this docket approval.

EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit for Outfall 001

OUTFALL 001 (Lehigh River)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	1,000 mg/l	Quarterly
Total Nitrogen	Monitor and Report Only	Monthly
Nitrate as N (NO ₃ -N)	Monitor and Report Only	Monthly
Total Phosphorous	Monitor and Report Only	Monthly

* See Condition II.q. in the Decision section

e. **Relationship to the Comprehensive Plan.** The WWTP, formerly owned by the White Haven Municipal Authority, was included in the Comprehensive Plan via Docket No. D-1993-035 CP-1, approved by the Commission on August 4, 1993. The WWTP was subsequently sold to the docket holder and recorded via Docket No. D-2002-042-1 on November 25, 2002, at which point it was removed from the Comprehensive Plan, since it was no longer operated under public sponsorship.

B. **FINDINGS**

The docket holder submitted an application to renew the approval of the existing 0.6 mgd White Haven WWTP. The docket holder is a subsidiary of Aqua, Pennsylvania, Inc.

In 1992, the DRBC adopted Special Protection Waters (SPW) requirements, as part of the DRBC Water Quality Regulations (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap were classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area, known as the Upper/Middle Delaware River SPW area.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations (WQR)* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation.

The docket holder's WWTP discharges to the drainage area to the Lower Delaware River SPW. The docket holder's WWTP discharge is required to comply with the SPW requirements, as outlined in Article 3.10.3A.2. of the WQR.

Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR* states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of SPW. The service area of the docket holder is located within in the drainage area to the SPW. Since this project does not entail additional construction and expansion of facilities/service area and there are not any new or increased non-point source loads associated with this approval, the NPSPCP requirement is not applicable at this time. Accordingly, DECISION Condition II.m. has been included in this docket.

Near the project site, the Lehigh River has an estimated seven-day low flow with a recurrence interval of ten years of 39 mgd (60 cfs). The ratio of this low flow to the average design wastewater discharge (0.6 mgd / 0.93 cfs) from the White Haven WWTP is 65:1.

The nearest surface water intake of record for public water supply is located on the Lehigh River approximately 9 river miles downstream of the docket holder's WWTP discharge, and is operated by the Hazelton City Authority.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The effluent limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

C. DECISION

I. Effective on the approval date for Docket No. D-2002-042-4 below, Docket No. D-2002-042-3 is terminated and replaced by Docket No. D-2002-042-4.

II. The project and appurtenant facilities as described in the Section A "Physical features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR* and *Flood Plain Regulations (FPR)*.

d. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email aemr@drbc.state.nj.us on the **Annual Effluent Monitoring Report Form** located at this web address: <http://www.state.nj.us/drbc/programs/project/pr/info.html>. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

i. The docket holder shall discharge wastewater in such a manner as to avoid injury or damage to fish, wildlife, and/or other aquatic life and shall avoid any injury to public or private property.

j. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

k. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

l. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

m. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

n. Unless the docket holder requests an extension that is approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and

complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

o. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

p. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

q. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

r. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

s. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

t. Prior to the docket holder initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.10.3A2.a.16) of the Commission’s *WQR*, an application must be submitted and approved by the Commission. Such an application shall be submitted prior to final design to ensure that the Commission can provide the docket holder with draft effluent limitations for SPW specific parameters as guidance for design as to not require duplication of work or cause a substantial expenditure of public funds without Commission approval. The docket holder is encouraged to contact the Commission staff during the planning stages to identify the potential effluent limitations required to meet the no measurable change parameters under SPW.

BY THE COMMISSION

DATE APPROVED: September 14, 2016

EXPIRATION DATE: January 31, 2021